

## REMARKS

Claims 1-14 and 16-19 are the only claims pending. Claims 2-4 and 7 are cancelled. Claim 15 is cancelled due to a restriction requirement. Claims 1 and 16-19 are currently amended.

Claim 1 is currently amended to include the limitations of claim 4 and to cancel compounds of formulae (2) and (3). Claim 4 is now moot and therefore cancelled.

Claims 2, 3, and 7 are cancelled.

Claims 16-19 are currently amended to cancel compounds of formulae (2) and (3).

No new matter has been added.

Claims 1, 5-6, 8-14, and 16-19 are presented for reconsideration.

### **Information Disclosure Statement**

The foreign references were not available to the Examiner to be reviewed. Submitted herewith is a Supplemental Information Disclosure Statement with the foreign references. The Examiner is kindly requested receipt and consideration of these references by returning an initialed copy of the Supplemental Information Disclosure Statement.

### **Claim Rejections – 35 USC 112 Second Paragraph**

Claims 1-3 and 7 are rejected under 35 USC 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention.

Claims 1-3 and 7 are indefinite because the claims recite formulae (2) and (3) with a letter (A) inside the benzene rings. Clarification of what is meant by the letter (A) is required.

Claims 2-3 and 7 are currently cancelled.

Claim 1 is currently amended to include the limitations of claim 4 and to cancel compounds of formulae (2) and (3).

The present 35 USC 112 first paragraph rejections are addressed and are overcome.

### **Claim Rejections – Nonstatutory Double Patenting**

Claim 1 is rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of US 7,041,143.

Claim 1 is provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/525,469.

Claim 1 is currently amended to include the limitations of claim 4 and to cancel compounds of formulae (2) and (3). There exists a clear line of demarcation between amended claim 1 and either claim 1 of US 7,041,143 or claim 1 of copending Application No. 10/525,469.

The present nonstatutory double patenting rejection and provisional rejection are addressed and are overcome.

### **Allowable Subject Matter**

Claims 4-6, 8-14, and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 is currently amended to include the limitations of claim 4 and to cancel compounds of formulae (2) and (3). Claim 4 is now moot and therefore cancelled.

The Applicants reserve the right to file subsequent divisional applications to recapture the subject matter cancelled due to the restriction requirement.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

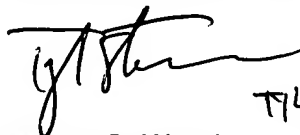
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Enclosure : Supplemental IDS

Respectfully submitted,

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